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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,940

02/04/2004

Masayuki Momiuchi

463P114

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42754

7590

02/23/2006

NIELDS & LEMACK

176 EAST MAIN STREET, SUITE 7  
WESTBORO, MA 01581

EXAMINER

LANE, JEFFREY D

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/771,940

Applicant(s)

MOMIUCHI ET AL.

Examiner

Jeffrey D. Lane

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Picholle et al. (US 5,077,750).

As for claim 1 Picholle discloses in figure 1, a solid-state laser device (See Column 2 lines 22-23), comprising two or more resonators (3 and 3') for outputting laser beams on a same axis XX', a first light emitter 1 and a second light emitter 1' for entering excitation light to each of said resonators 3 and 3', a photodetector for monitoring which monitors the outputted laser beams (See Column 4 lines 8-19 specifically 14-19), and a control unit for performing constant output control of at least one of said first light emitter and said second light emitter based on a signal from said photodetector for monitoring (See Column 4 lines 8-19 specifically 14-19).

As for claim 2 Picholle discloses, at least one of said first light emitter and said second light emitter is placed under constant output control (See Column 4 lines 14-16), and the other of said first light emitter and said second light emitter is driven with a constant current (See column 1 lines 63-66). The Examiner wishes to point out that there is no limitation on how long the current has to be constant. Once a laser reaches equilibrium and a constant output then it would inherently have a constant current.

As for claim 3 Picholle discloses, device is designed in such manner that an output change rate to an electric current to drive said first light emitter is made different from an output change rate to an electric current to drive said second light emitter (See Column 5 lines 26-35 & 56-63). The rods are made of different materials and so they would inherently have a different output change rate based on the input current, Picholle also discloses they can be controlled independently (lines 26-35) Therefore Picholle meets the limitations of claim 3.

As for claim 4 Picholle discloses, wherein the control unit selectively controls said first light emitter and said second light emitter under constant output control (See Column 5 lines 26-35). The Examiner wishes to note that the claim does not require the control to be independent of each other, however Picholle discloses that scenario as well (lines 26-35).

As for claim 5 Picholle discloses in figure 1, wherein said two or more resonators 3 and 3' each have beam waists  $f_c$ , and positions of the beam waists  $f_c$  are approximately equal to each other.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eguchi et al. (US 5,077,750) and Schnitzler et al. ("All-solid-state tunable continuous-wave ultraviolet source with high spectral purity and frequency stability" Applied Optics, Vol. 41 No.33 pages 7000-7005. 2002) both disclose a system with two laser inputs, a photodetector and a control for the lasers.

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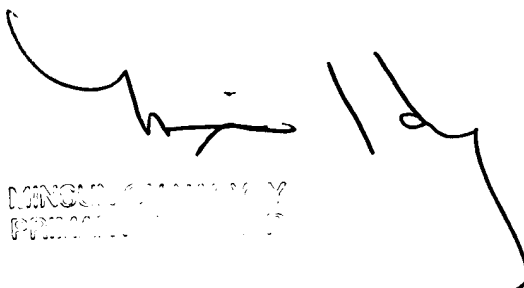
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Lane whose telephone number is (571) 272-1676. The examiner can normally be reached on Monday thru Friday 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeffrey D Lane  
Examiner  
Art Unit 2828

JDL

  
MIN SUN HARVEY  
SUPERVISOR